

EXHIBIT 7

DECLARATION OF DOROTHY BRUNSON

I, Dorothy Brunson, respectfully state as follows:

I am the Chairperson of the Association of Black Owned Television Stations. I also serve as Chair and CEO of Brunson Communications, licensee of WGTW-TV, Philadelphia, Pennsylvania, and I am the General Manager of WGTW-TV. WGTW-TV, an independent in the nation's fourth television market, is one of the few large Black owned television stations in the United States.

The nation's 31 minority owned television stations have never had the slightest quarrel with the FCC's EEO Rule. It doesn't "burden" us in the least; indeed, it help us by making available to us a wide range of trained talent who we'd otherwise have had to train ourselves.

Thus, I cannot understand why the FCC considers those "burdened" by EEO to be all broadcasters; apparently, it wasn't thinking of us. I cannot understand why the FCC would consider reducing EEO responsibilities for the stations at which most people in our industry begin their careers. I cannot understand why the FCC, which professes to be concerned with the maintenance of its minority ownership policies and with diversity, is so eager to cut back on the only remaining pro-diversity protection found anywhere in its rules and policies. After nearly 40 years in this business, I simply do not understand it at all. I certainly never expected this from President Clinton's FCC.

I doubt I'll ever truly retire. But when and if I ever do, I would like to be able to sell my station to another African American and thus "keep it in the family." I have worked far too hard to make WGTW-TV a success to sit back and watch as the Black

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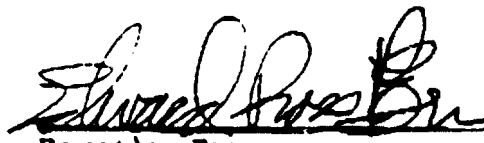
community loses it. But if the FCC makes it more difficult for Black people to develop careers in this business, how in the world am I going to find someone Black and experienced to buy my station?

The civil rights organizations seeking reconsideration and clarification of the "EEO Streamlining" order are right on target. If a broadcast license means anything at all, it means that the owner is committed to taking aggressive and pro-active steps to bring all Americans into the mainstream of communications. The FCC would be well advised not to cheapen a broadcast license by eviscerating EEO enforcement in the name of "reducing burdens" on a few insensitive and anti-social licensees.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.

Executed

4/6/96


Dorothy Brunson

[Executed by Edward Brunson, son of Dorothy Brunson and holder of her Power of Attorney while Ms. Brunson is out of the country. Ms. Brunson will return from Ghana on May 1, 1996.]

EXHIBIT 8

DECLARATION OF DR. JAMES HAWKINS

I, Dr. James Hawkins, respectfully state as follows:

I am the Chair of the Division of Journalism at Florida A&M University, Tallahassee, Florida. I am providing this Declaration on behalf of the Black College Communications Association ("BCCA"), which I serve as Chair. BCCA is composed of administrators and faculty in mass media programs at historically Black institutions of higher education.

I note that the FCC's Notice of Proposed Rulemaking on "EEO Streamlining" speaks of "broadcasters" as the group which suffers "burdens" in need of regulatory relief. I am disturbed, though, that the Notice of Proposed Rulemaking says not one word about the burdens an EEO enforcement cutback would impose on other parties besides White broadcasters -- including Black colleges and universities, Black students seeking to make good on their years of work in obtaining a broadcasting education, and Black broadcasting professionals who will suffer a heightened level of job discrimination.

Most of the Black college broadcasting programs came into existence after -- and large part because -- the FCC adopted its EEO Rule in 1971. The first such program, at Howard University, was created that year. No such program existed before 1971, because unchecked discrimination in the industry was so extensive before that time that it would have been absurd for Black college administrators to assure Black college broadcasting graduates that broadcasting careers awaited them.

One of our primary objectives as educators is "mainstreaming" our students. "Mainstreaming" means insuring that the students have access to state of the art equipment and broadcasting techniques, and insuring that the students do not artificially restrict themselves to working only at Black-formatted stations. In order to fulfill this mainstreaming objective, each Black college broadcasting program relies very heavily on internship programs at FCC-licensed facilities. Thus, any cutback in EEO responsibility will result in the disappearance of many of the best training opportunities presently open to Black broadcasting students. Inevitably, a cutback in internship opportunities will impose on the Black colleges considerable new burdens and costs attendant to providing in-house practicum experiences for their students.

Equal opportunity in broadcasting is still a fairly new concept. Most of those who entered the industry in the 1970's (the first decade of FCC EEO enforcement) have yet to attain ownership and senior management positions in broadcasting companies. Therefore, this year's class of Black college graduates still lacks access to any significant networking and alumni support from Black broadcasting managers with hiring authority. It will probably take another generation of strong FCC EEO enforcement before the networking opportunities typically enjoyed by White students are available to our students.

Even today, after a generation of FCC EEO enforcement, roughly two thirds of the graduates of Black college broadcasting programs are still unable to find jobs in their chosen field. It is difficult to overstate the burdens on our graduates from a

reduction in the already crabbed career opportunities available to them. Having devoted four years of hard work to securing a broadcasting degree, Black broadcasting students have foreclosed to themselves the opportunity to enter a more traditional and "safe" field such as teaching. This career choice is not made lightly by our students: it is made in reliance on the FCC's promise that the broadcasting industry -- although virtually foreclosed to Black people from 1920 to 1971 -- would open its doors and welcome us.

If Black colleges cannot promise their students that jobs might be available to them upon graduation, the very premise for the existence of Black college broadcasting programs will have evaporated.. Even a slight reduction of opportunity for our graduates would threaten the very existence of many Black college broadcasting programs and would significantly burden all of them. Even the surviving programs would have to commit far greater resources to recruitment and placement, thereby further straining the budgets of the colleges' academic programs.

We are particularly troubled by the FCC's proposal to exempt "small" and "small market" stations from meaningful EEO obligations. These "small" and "small market" stations are the very stations at which most Black college graduates begin their professional careers. Although our entering freshmen typically aspire to careers at large stations in large markets, every broadcasting teacher at a Black college must repeatedly stress to students that large stations, and stations in large markets, seldom hire college graduates without fulltime industry experience unless the students are related to the owner or manager.

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Black colleges' placement and alumni programs are specifically tailored to opportunities at "small" stations and stations in "small" markets. Indeed, our advice to students is that they must be willing to sacrifice their social lives and be ready to go to Montana to work after graduation -- if that's where the jobs are. We repeatedly emphasize to our students that they must start "small" and work their way up.

The FCC's EEO rules and policies have been the single most critical factor in promoting equal employment opportunity for people of color in the broadcasting industry. Opportunities for Black students seeking to enter this business continue to be far too scarce, compared to opportunities for similarly situated and similarly educated white students. Consequently, the FCC should dramatically strengthen its EEO enforcement effort, and set a goal of eliminating discrimination from broadcasting, root and branch, in the near and foreseeable future.

The Black College Communications Association is shocked and dismayed that the FCC would even think of cutting back on EEO enforcement at this time.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.

Executed April 11, 1996.


Dr. James Hawkins

EXHIBIT 9

DECLARATION OF SHARON PEARL MURPHY

I, Sharon Pearl Murphy, respectfully state as follows:

I am providing this Declaration on behalf of the African American Media Incubator (AAMI), which I serve as Executive Director and Operations Manager. AAMI, founded in 1995 and located at 2164 Wisconsin Avenue N.W. in Washington, is the nation's first African American broadcast training school. In June, 1996, AAMI graduated its first class of eight students. Our enrollment stands at 20 students and is growing rapidly.

AAMI, which is open to members of all races, was created to offer training and job placement primarily for African Americans and other minorities in the radio industry. Thus, AAMI affords opportunities for those who otherwise would not receive such specialized training and access to viable jobs in broadcasting. AAMI provides a valuable career development option for those who wish to learn a broadcasting trade but cannot afford the tuition and fees to attend a college or university school of communications.

In addition, we hold community seminars to train African American owned businesses to use radio advertising effectively. We recognize that when radio stations begin to see African American owned businesses as an attractive market for airtime, the stations will treat African American job candidates more seriously and will begin to cover issues critical to the African American community with greater depth and sensitivity.

The viability of AAMI will depend upon the industry's commitment to provide equal opportunity. If history is any guide, that commitment obtains most readily when the FCC enforces its EEO Rule vigorously.

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The FCC's proposal to exempt "small" or "small market" stations would hit African Americans and other minorities particularly hard. Our graduates often receive employment in "small" stations because these stations require less experience than larger stations and thus are more likely to provide job opportunities to those just entering the industry. We advise our students that they must be willing to sacrifice and go to "small stations" or "small markets" -- if that's where the jobs are. We emphasize the importance of starting "small" and working one's way up.

If AAMI is unable to assure its students that jobs might be available to them upon graduation, the very premise for AAMI's existence will disappear.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.

Executed

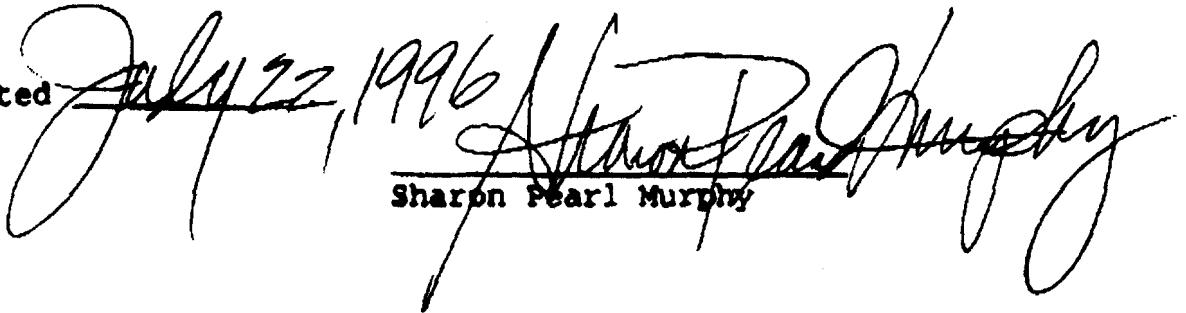
July 22, 1996

Sharon Pearl Murphy

EXHIBIT 10

DECLARATION OF EDUARDO PENA

I, Eduardo Peña, respectfully state as follows:

I am the Communications Counsel for the League of United Latin American Citizens (LULAC), a member of LULAC's National Board of Directors, and LULAC's Past National President (1979-1980). With 100,000 members in 44 states, LULAC is by far the largest organization of Hispanic Americans in the United States.

LULAC has long considered access to the electronic media to be a matter of the highest priority for Hispanic Americans. A stranger to our country, watching the evening news on television or scanning the radio dial, would scarcely realize that one out of eleven Americans is Hispanic. Most non-Hispanic Americans know very little about the history, culture and aspirations of Hispanic Americans. Too often, that is because the mass media has promoted stereotypes of Hispanics as a "tide" of "illegal immigrants" who will "overrun" American borders and "steal" jobs which are supposedly the birthright of White Americans.

Consequently, LULAC has undertaken a national effort to bring about the full participation of Hispanic Americans in the broadcasting business. Our effort has three components. First, LULAC files petitions to deny the license renewal applications of broadcasters which appear to be the most serious violators of the FCC's EEO Rule; I am the principal counsel of record in these challenges. Second, LULAC provides counselling and lawyer referral services to individuals who believe that they are individual victims of discrimination. Third, LULAC's local councils also engage in dialogue with local broadcasters, provide counselling to Hispanics seeking to enter the industry, and provide job referral services to broadcasters -- all at no cost to the industry or

broadcast professionals. LULAC's activities are performed entirely by volunteers.

The FCC's Notice of Proposed Rulemaking on "EEO Streamlining" contains a Regulatory Flexibility Analysis which identifies "broadcasters" as the group which suffers "burdens" in need of regulatory relief.^{1/} "Broadcasters" (a term I assume does not include Hispanic broadcast owners, who are proud to comply with the EEO Rule) are hardly the only party whose "burdens" are worthy of consideration. Among the other parties burdened by any potential cutback in EEO enforcement are (1) discrimination victims; (2) job referral sources, including particularly community groups which assist minorities to gain secure employment in broadcasting; (3) job applicants; (4) petitioners to deny; (5) broadcasters innocent of discrimination; and (6) broadcast listeners and viewers. I will discuss these affected groups seriatim.

1. Discrimination Victims

As the EEOC's past Director of Compliance (1970-1979), I know that the absence of any meaningful EEO compliance data renders it virtually impossible for a civil rights enforcement body to identify likely discriminators and hold them accountable. Discrimination victims are usually unaware that they are discrimination victims. Employers hardly advertise this fact.

^{1/} The notion that the current FCC EEO Rules materially "burden" broadcasters is so absurd it's insulting. The "recordkeeping" required of broadcasters on applicant flow data must be done anyway in the course of any business. Once developed, the cost of storage is minimal. Furthermore, the very same information must be retained anyway in order to defend against an EEOC charge; thus, there's no incremental burden associated with maintaining this same data for FCC purposes.

Thus -- quite apart from the fear of retaliation infecting the labor force in a relatively tight-knit industry -- it's not surprising that there are few individual complaints of discrimination against broadcasters. But today, if someone suspects that she has been discriminated against by a broadcaster, she can at least examine the station's public file and review Form 395 and Form 396. From these documents, a person suspecting that she might be a discrimination victim can at least get a sense for whether the EEO activity the licensee says it undertakes is realistically tailored to the job market and to the station's labor requirements. If referral sources are identified in Form 396, the person suspecting discrimination can call those organizations as references to determine whether the licensee has been genuine and consistent in its dealings with the referral source. This research will often enable a person suspecting discrimination to either realize that her suspicions are justified or, on the other hand, realize that her suspicions are unwarranted and that any adverse employment actions she has experienced are likely due to nondiscriminatory factors. In this way, the existence of Form 396 helps discrimination victims decide whether to proceed, and helps innocent broadcasters avoid needless and unfortunate EEOC charges or FCC complaints.

Without any meaningful information on Form 396, no person suspecting that she is a discrimination victim will have any independent basis for evaluating whether she is in fact a discrimination victim. Moreover, a genuine discrimination victim complaining to the EEOC or the FCC will have little evidence with

which to make out a case,^{2/} and the EEOC or FCC will have little basis for determining whether the licensee is discriminating. Thus, the evisceration of Form 396 will profoundly burden discrimination victims.

2. Job Referral Sources

Every FCC order imposing a conditional renewal on a broadcaster contains a footnote suggesting that the broadcaster contact local units of minority and women's organizations to obtain their assistance in identifying qualified candidates for employment. See, e.g., Newport Broadcasting, Inc. (WADK/WOTB, Newport, Rhode Island), FCC 96-96 (released March 29, 1996) at 4 n. 12 (naming the National Hispanic Media Coalition, American Women in Radio and Television and the National Urban League). These organizations are truly the FCC's and EEO-sensitive broadcasters' silent partners in EEO compliance.

Regrettably, it's inevitable that a cutback in EEO enforcement by government agencies leads to an increase in discrimination. No amount of jawboning will convince someone with a propensity to discriminate that the government's intentional action removing a protection against discrimination is not a signal that the government considers discrimination to be a low priority. Anyone doubting this need only study the history of the EEOC under the leadership of Eleanor Holmes Norton and J. Clay Smith, and compare it with the history of the EEOC under Clarence Thomas.

^{2/} It is well established that an employer's failure to abide by an affirmative action plan, where compliance would be simple, can be good evidence of discriminatory intent. See, e.g., Craik v. Minnesota State University Board, 731 F.2d 465, 472 (8th Cir. 1984).

Thus, an increase in discrimination will lead to a reduction in demand for Hispanics in broadcasting, and a reduction in invitations, sent by broadcasters to Hispanic organizations, for referrals of applicants for specific job openings. Organizations such as local LULAC councils will thus be at a severe disadvantage when a qualified person comes to them for assistance in securing broadcast employment. Instead of being able to refer to routine postings of specific jobs, LULAC councils will have to telephone the placement directors of each station to ask them, one by one, if they have a job open. This is profoundly inefficient and expensive. It's patently unfair to expect volunteers to do this.

Furthermore, the absence of meaningful Form 396 information will make it impossible for a local community organization to make an informed judgment as to which broadcasters are making a genuine effort to seek out and employ minorities. Presently, local organizations benefit enormously by knowing which broadcasters are, and which are not, equal opportunity employers. Local organizations do not waste time sending minority job seekers on a fool's errand to visit employers uninterested in hiring minorities. Without Form 396 data, how is a community group to know which broadcasters are, and which are not, promising sources of jobs for minority candidates?

Consequently, the increase in discrimination likely to result from a cutback in EEO enforcement, and the elimination of Form 396 data, will each impose very significant burdens on job referral organizations.

3. Individual Job Applicants

Individuals seeking employment through community organizations are likely to waste considerably more time in job searches if EEO enforcement is reduced. Owing to greater discrimination, minorities will spend more time and effort filing useless job applications. And when minorities use the resources of a community group to sharpen their search for a job, they will find those community groups less aware of which specific jobs are open at which stations, and of which stations are generally uninterested in hiring minorities. By making the process of seeking a job in broadcasting more difficult, expensive and time consuming for minorities, and by reducing the number of jobs available to minorities, the Streamlining NPRM will discourage minorities from seeking employment in broadcasting and will profoundly increase the time and cost burdens on those minorities who do wish to continue to seek employment in broadcasting.

4. Petitioners to Deny

The FCC relies almost entirely on petitioners to deny as its early warning system -- indeed, its only warning system -- that a broadcast licensee might be violating Commission rules. The number of FCC EEO investigations conducted on its own motion in the past decade which led to sanctions against a licensee can be counted on the fingers of two hands. However, dozens of broadcasters have been admonished or sanctioned as a result of petitions to deny. Every one of the ten hearings designated by the FCC since 1971 in EEO cases resulted from a petition to deny.

Thus, Petitioners to deny truly stand in the role of good samaritan witnesses whose role is essential to the Commission's

exercise of its responsibility, under Section 309 of the Communications Act, to make an informed and affirmative determination that a grant of an application would serve the public interest.

Petitioners to deny are already at a profound disadvantage in attempting to prove discrimination. Broadcasters seldom admit that they discriminate, although obviously many of them do it routinely. But at license renewal time, the only information available to members of the public who might wish to draw inferences about who may be, and who probably is not discriminating are the raw employment data on Form 395 and the EEO programs on Form 396.

In reviewing this information, petitioners to deny usually guess right: the vast majority of petitions to deny are granted at least in part. But it is a rare case which is designated for hearing. That is because petitioners to deny lack any opportunity for meaningful discovery, and are faced with the extraordinary requirement that petitioners essentially prove intentional discrimination just to get a hearing -- a virtual impossibility without access to the testimony of witnesses.

The elimination of Form 396 for many broadcasters -- or the reduction in the already sparse information to be contained in Form 396 -- will leave petitioners to deny unable to guess, with any degree of accuracy, which broadcasters might be EEO violators. For example, if a petitioner to deny does not know whether a renewal applicant interviewed or hired minorities, how in the world will the petitioner know whether the applicant might be discriminating?

Furthermore, once petitioners to deny are forced to rely on just the raw numbers in Form 395 as a tool for deciding whose EEO bonafides should be tested, it's inevitable that EEO opponents will allege that petitioners to deny really advocate a quota system. Petitioners' sole reliance on Form 395 will degrade the quality, the fairness, and the value of petitions to deny to the FCC. Broadcasters who don't deserve to be targeted will be targeted mistakenly, and broadcasters who do deserve to be targeted will be skipped mistakenly.

Consequently, the Streamlining NPRM would impose considerable new costs and burdens on petitioners to deny by making it far more difficult -- indeed almost impossible -- for petitioners to deny to ascertain and adjudicate instances of gross EEO violations, including intentional discrimination.

5. Broadcasters Innocent of Discrimination

It's unfortunate that in its zeal to eviscerate EEO enforcement, some broadcast trade organizations have not thought about how the existence of meaningful EEO data protects innocent broadcasters from erroneous allegations of discrimination and assists broadcasters in securing a steady flow of qualified job applicants.

Without meaningful information on Form 396, petitioners to deny will be guided only by the tiny beacon of information provided by Form 395. Most national civil rights organizations, including LULAC, try hard not to target a broadcaster based solely on its low "numbers", because, like the FCC, we look to EEO efforts as the best evidence of genuine EEO compliance. If "EEO Streamlining" happens, LULAC will still do its best to target the guilty and

excuse the innocent. But if petitioners to deny are given only numbers to go by, it's inevitable that some broadcasters, innocent of EEO noncompliance, will be caught up in the net of good faith petitions to deny.

Furthermore, the higher costs of operation, and greater inefficiencies of operation imposed on community groups by the absence of EEO data, as shown above, will spill over onto broadcasters. Referrals from community groups are free. A reduction in these referrals will impose greater labor search costs on all broadcasters, depriving them of ready access to a broad spectrum of talent.

Finally, the greater incidence of discrimination in the industry will inevitably discourage good and talented people from seeking careers in the field. This brain drain from broadcasting will most seriously burden EEO compliers, who genuinely desire to take advantage of all sources of talent irrespective of race.

6. Broadcast Listeners and Viewers

The FCC's EEO program is intended to provide diversity of voices by insuring that the staffs of broadcasting stations are integrated. Every human resources professional knows that the stream of ideas derived from a business organization is the mixture of the ideas contributed by its tributary persons, the employees. The Supreme Court realizes this too. NAACP v. FPC, 425 U.S. 662, 670 n. 7 (1976).

More discrimination and a reduction in minority employment virtually guarantee the resegregation of the airwaves. Anyone listening to the national disgrace called "talk radio" can hardly disagree that a greater diversity of viewpoints, and particularly

the addition of minority viewpoints, would benefit our nation's public discourse.

With the loss of the minority ownership policies, the reduction-in-progress in the number of minority owned stations, and the media concentration being spawned by the Telecommunication Act, the FCC's only remaining pro-diversity protection is the EEO Rule. Thus, the Streamlining NPRM should have recognized and sought comments on the burdens faced by members of the public -- the listeners and viewers -- who desire, expect and deserve to receive the full fruits of the First Amendment from their government-licensed radio and television spectrum.

* * * * *

At this time in our history, when the rights of minorities in the media are under challenge on so many fronts, the FCC ought to be providing leadership. It should be reaching out to the civil rights community for help in developing means of strengthening its EEO enforcement effort. It should be establishing an unequivocal policy of zero tolerance for discrimination.

Most of all, the FCC should be establishing a goal of permanently eliminating discrimination from broadcasting. Had that goal been achieved yesterday, it wouldn't have been soon enough.

LULAC is appalled that the FCC would contemplate a reduction in EEO enforcement, and that the FCC would fail to recognize the burdens that course of action will impose on virtually everyone but a handful of non-EEO complying broadcasters.